

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FILED
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UNITED STATES OF AMERICA

Plaintiff

-VS-

THOMAS MERSHON

Defendant

:
:
: CASE NO. 5:05 CR 131
:

:
:
: ORDER ACCEPTING PLEA AGREEMENT
: AND JUDGMENT AND NOTICE OF
: HEARING
:

UNITED STATES DISTRICT JUDGE LESLEY WELLS

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge James S. Gallas regarding the change of plea hearing and plea agreement of Thomas Mershon which was referred to the Magistrate Judge with the consent of the parties.

On 16 March 2005, the government filed a one-count indictment against Thomas Mershon for conspiracy to possess with the intent to distribute and distribution of a controlled substance in violation of 21 U.S.C. § 846. On 1 June 2005, a hearing was held in which Thomas Mershon entered a plea of not guilty before Magistrate Judge David S. Perelman. On 26 September 2006, Magistrate Judge Gallas received Thomas Mershon's plea of guilty and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered. Magistrate Judge Gallas filed his R&R on 27 September 2006.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Thomas Mershon is found to be competent to enter a plea. He understands his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Thomas Mershon is adjudged guilty of Count One, in violation of 21 U.S.C. § 846.

Sentencing will be:

2 January 2007 at 2:00 p.m.

**Courtroom 19-A
19th Floor the United States District Court
801 West Superior Avenue
Cleveland, Ohio 44113**

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

Dated: 28 November 2006